



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,865	01/14/2004	James Peter Branigan	AUS920030841US1	3390
28722 7590 04/16/2008 BRACEWELL & PATTERSON, L.L.P. P.O. BOX 969 AUSTIN, TX 78767-0969				
EXAMINER				
CAO, DIEM K				
ART UNIT		PAPER NUMBER		
2194				
MAIL DATE		DELIVERY MODE		
04/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/756,865

**Applicant(s)**

BRANIGAN ET AL.

**Examiner**

Diem K. Cao

**Art Unit**

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10,12-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-19 and 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1, 3-10, 12-19 and 21-27 are pending. Applicant has amended claims 1, 3 and 6.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 3-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites "A method for specifying a return of specific data or a notification of publication of the specific data" in lines 1-2, "wherein the primary ID is a separate parameter from a type and a format of data" in line 5, "in response to the subscription object requesting a notification of the publication of the specific data, registering said node within said communication interface as requesting at least a notification of said published data; and in response to the subscription object requesting a copy of the published data, registering said node within said communication interface as requesting a copy of the published data" in lines 11-15, which subject matters was not supported by the specification, and was not described in the specification in such a way that shown as the time the application was filed, has possession of the claimed invention.

First, regarding “A method for specifying a return of specific data or a notification of publication of the specific data” in the preamble, the specification discloses “The subscription objects are placed by the modules on the information kit to enable the module/agent to register its desire for access specific type of data with the information kit manager (pages 15-16, paragraph [0055]), thus, the specification does not support specifying a return of specific data or a notification of publication of the specific data.

Second, regarding “wherein the primary ID is a separate parameter from a type and a format of data”, the specification discloses “the subscription object designed with at least a key and a value, the key identifies the type of object, while the value is the request expression for subscription objects” (page 21, paragraph [0074]), and “subscribe information object (subscription object) 270 comprises a key 272, which identifies the service for which the subscription is being made, a node identifier (ID) 274, which identifies the node/module issuing the subscription, and search expression”, clearly, the specification does not supported “wherein the primary ID is a separate parameter from a type and a format of data”.

Third, regarding “in response to the subscription object requesting a notification of the publication of the specific data, registering said node within said communication interface as requesting at least a notification of said published data; and in response to the subscription object requesting a copy of the published data, registering said node within said communication interface as requesting a copy of the published data”, see discussion regarding the first discussion above. The specification seems to disclose each subscription object is registered with the IK manager, which handles the notification and forwarding of requested data to the respective subscriber (pages 15-16, paragraph [0055]), and the IK manager issues a notification to the

respective nodes that subscribed for the specific data once the objects are published (page 18, paragraph [0063]), once the notification has been sent out to the nodes, the objects are broadcasted to the specific ones of the registered modules (page 19, paragraph [0066]). Although the specification teaches notification and broadcast the published object, the specification certain does not teach different type of requests: requesting a notification of publication of specific data, and requesting a copy of the published data.

Claims are examined as best understood by the examiner in light of specification.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 4, 5, 6, 9-10, 13-15, 18-19, 22, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. 5,881,315) in view of Reed et al. (U.S. 6,345,288 B1).**

As to claim 1, Cohen teaches a method for specifying a return of specific data in response to a search query issued to a subscribe and publish communication interface from a subscribing component (abstract), the method comprising:

- generating (create) a subscription object (a particular “event filter group”) containing a primary identifier (ID) (event type) of a published data (event), wherein the primary ID is

a separate parameter from format of data (Event Type Database ... in the attribute); See col. 6, lines 33-38, lines 44-55;

- including within the subscription object an expression indicating a specific context desired for satisfying the subscription object once the published data is identified on the communication interface (an event filter group ... filter expressions ... consumer; col. 6, lines 59-67);
- wherein, once the subscription object is placed on the subscribe and publish communication interface (Once the event ... Event Log 42; col. 7, lines 12-15), a response to the subscription object is only provided following publication of the published data with the primary ID and a confirmation of the specific context (EMS 22 then performs ... interested consumers; col. 7, lines 15-56).

Cohen does not explicitly teach providing within the subscription object an address of a node associated with a subscribing component, which generated the subscription object, and registering the node within the communicating interface as requesting at least a notification of the published data, wherein the node receives a notification when only a notification is desired and the node receives the published data when the published data is requested, based on a type of registration requested by the subscription object.

However, Cohen teaches the event consumer must first register with EMS, the consumer is provided a handle describing a connection to the event service and can use that handle to issue RPC to EMS, the EMS then places an entry in the Consumer Database that uniquely identifies the consumer (col. 6, lines 11-18), generate the subscription object for the consumer at a node (data group from which this request came; col. 5, lines 31-32 and create ... "event filter group";

col. 6, lines 33-38), and send the qualified event to the interested consumers (EMS 22 then performs ... interested consumers; col. 7, lines 15-25, remote process 26n; see Fig. 3 and associated text). Reed teaches teach providing within the subscription object an address of a node associated with a subscribing component, which generated the subscription object, and registering the node within the communicating interface as requesting at least a notification of the published data, wherein the node receives a notification when only a notification is desired and the node receives the published data when the published data is requested, based on a type of registration requested by the subscription object (Elements are the primary attributes of a communication object ... email address; col. 18, lines 31-33, communication objects ... SystemID, Name; col. 22, lines 1-15, recipients may also be tracked in the provider database, to uniquely identify recipients .. System ID can be used; col. 22, lines 44-58, col.2 5, lines 26-57, and col. 61, lines 7- 61 and Notification; col. 63, lines 1-2, lines 16-20, col. 65, lines 34-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Reed to the system of Cohen because Reed teaches a communication control system which allows providers and subscribers to quickly and easily establish an automated communications relationship, which automatically updates both parties with changes in communications control data from the others (col. 7, line 59 – col. 8, line 3).

As to claim 4, Cohen as modified by Reed teaches expanding a registration of the node to include the expression (see Cohen: col. 5, lines 30-33).

As to claim 5, Cohen teaches the expression is one or a combination of a logical expression and a condition expression (An event filter ... event type; col. 6, lines 62-64).

As to claim 6, Cohen teaches wherein

- when the expression is a logical expression requiring a publication of two or more different data each having unique data type IDs in order to satisfy a part of the specific context (one or more filter expression which are logically ANDed together; col. 6, lines 62-63 and col. 7, lines 1-12),
- retrieving an associated data type ID for each publication to the communication interface (retrieve ... filter; col. 7, lines 30-36);
- comparing the associated's data type ID for two or more different published data against unique data type ID within the logical expression (evaluating next filter; col. 6, lines 62-65); and
- providing the response to the subscription object only in response to each of said unique data type IDs within the logical expression matching a required two or more associated data type IDs for two or more different published data (if all of the filter .. consumer; col. 7, lines 41-46).

As to claim 9, Cohen teaches

- providing a query expression within the subscription object containing an operand other than a wildcard for uniquely differentiating the query from a query for a generic response (an event filter group ... filter expressions ... consumer; col. 6, line 59 – col. 7, line 11);

- publishing the query to an information kit (the filter data ... Database 46; col. 6, line 41-43); and
- receiving a response containing a publication object satisfying the entire query (col. 7, lines 40-46).

As to the system claim 10, Cohen teaches

- a processor (OS; see Fig. 1); and
- program means executing on the processor for controlling a return of specific data in response to a search query issued to a subscribe and publish communication interface (abstract); said program means comprising:
  - means for generating (create) a subscription object (a particular “event filter group”) containing a primary identifier (ID) (event type, an event type format ... identifier) of a published data (event); See col. 6, lines 33-38, lines 47-49
  - means for including within the subscription object an expression indicating a specific context desired for satisfying the subscription object once the published data is identified on the communication interface (an event filter group ... filter expressions ... consumer; col. 6, lines 59-67);
  - wherein, once the subscription object is placed on the subscribe and publish communication interface (Once the event ... Event Log 42; col. 7, lines 12-15), a response to the subscription object is only provided following publication of the published data and a confirmation of the specific context (EMS 22 then performs ... interested consumers; col. 7, lines 15-56).

Cohen does not explicitly teach providing within the subscription object an address of a node associated with a subscribing component, which generated the subscription object, and registering the node within the communicating interface as requesting at least a notification of the published data, wherein the node receives a notification when only a notification is desired and the node receives the published data when the published data is requested, based on a type of registration requested by the subscription object.

However, Cohen teaches the event consumer must first register with EMS, the consumer is provided a handle describing a connection to the event service and can use that handle to issue RPC to EMS, the EMS then places an entry in the Consumer Database that uniquely identifies the consumer (col. 6, lines 11-18), generate the subscription object for the consumer at a node (data group from which this request came; col. 5, lines 31-32 and create ... "event filter group"; col. 6, lines 33-38), and send the qualified event to the interested consumers (EMS 22 then performs ... interested consumers; col. 7, lines 15-25, remote process 26n; see Fig. 3 and associated text). Reed teaches teach providing within the subscription object an address of a node associated with a subscribing component, which generated the subscription object, and registering the node within the communicating interface as requesting at least a notification of the published data, wherein the node receives a notification when only a notification is desired and the node receives the published data when the published data is requested, based on a type of registration requested by the subscription object (Elements are the primary attributes of a communication object ... email address; col. 18, lines 31-33, communication objects ... SystemID, Name; col. 22, lines 1-15, recipients may also be tracked in the provider database, to

uniquely identify recipients .. System ID can be used; col. 22, lines 44-58, col. 25, lines 26-57, and col. 61, lines 7-61 and Notification; col. 63, lines 1-2, lines 16-20, col. 65, lines 34-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Reed to the system of Cohen because Reed teaches a communication control system which allows providers and subscribers to quickly and easily establish an automated communications relationship, which automatically updates both parties with changes in communications control data from the others (col. 7, line 59 – col. 8, line 3).

As to the computer product claim 19, it is the same as the system claim of claim 10 and is rejected under the same ground of rejection.

As to claims 13-15 and 18, see rejections of claims 4-6 and 9 above, respectively.

As to claims 22-24 and 27, see rejections of claims 4-6 and 9 above, respectively.

**6. Claims 3, 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. 5,881,315) in view of Reed et al. (U.S. 6,345,288 B1) further in view of Arslan (Event Library: an object-oriented library for event-driven design).**

As to claim 3, Cohen teaches matching an ID of a newly published data to a primary ID of a desired published data (the filtering routine ... particular event ... Consumer Database; col. 7, lines 27-31). Cohen does not explicitly teach flagging a registration of the node to indicate

additional criteria needs to be satisfied prior to issuing the notification or issuing the notification published data to the node; and in response to the registration having an associated flag, verifying that the additional criteria is satisfied before indicating a match. However, Arslan teaches conditional event subscription for subscribed objects only interested in events fulfilling certain criteria (page 10, second paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Arslan to the system of Cohen because Arslan teaches a powerful library the implement the most common event-driven techniques, and it can be extended to handle users' advanced needs.

As to claims 12 and 21, see rejection of claim 3 above.

**7. Claims 7-8, 16-17 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. 5,881,315) in view of Reed et al. (U.S. 6,345,288 B1) further in view of Feridun et al. (U.S. 6,336,139 B1).**

As to claim 7, Cohen teaches receiving confirmation that all criteria within the expression has been satisfied (A test is then ... namely TRUE; col. 7, line 41-44), and completing a secondary function when the confirmation is received (the routine passes ... consumer; col. 7, lines 44-46).

Cohen does not explicitly teach wherein the subscription component is an agent. However, Feridun teaches the subscription component is an agent (each software agent can

register a correlation rule for a given event which cause the software agent to run when the event is received; col. 8, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Feridun to the system of Cohen because Feridun teaches software components that may be statically or dynamically deployed into a distributed computing environment and then executed within a given execution context to examine and correlate one or more given event streams (col. 1, lines 59-67)

As to claim 8, Cohen teaches the subscribe and publish communication interface is an information kit (Event Management Service; col. 6, lines 7-8) and the subscription object is an information kit subscription object (event filter group; col. 6, lines 38-39).

As to claims 16-17, see rejections of claims 7-8 above.

As to claims 25-26, see rejections of claims 7-8 above.

### ***Response to Arguments***

8. Applicant's arguments filed 2/5/2008 have been fully considered but they are not persuasive.

In the remarks, Applicant argued in substance that (1) Neither Cohen nor Reed teaches all the limitations of the claim 1 because Cohen does not teach the subscription object, the event is not the subscription object, and the event type format has a unique universal identifier which is

not synonymous with primary identifier that is not a format or a type of data, but an actual identifier of the specific data (pages 10-12, section "Example Claim 1"), and (2) neither Cohen nor Reed teaches all the limitations of claim 6 because Cohen does not teach the use of two or more data type IDs that must march before published data meets a given selection criteria (pages 12-13, section "Example Claim 6").

Examiner respectfully disagrees with the arguments:

- As to the point (1), examiner maps "event filter group" as the subscription object, not event as argued, therefore, the arguments are not persuasive. Furthermore, there are new limitations which raise new problem issues (see rejection 112 first above).
- As to the point (2), first, examiner notes that the specification as original filed from page 1 to page 27 does not teach unique data type IDs, "the data type IDs" appeared only in the claim 6, therefore, examiner interprets them with broadest reasonable meaning (see MPEP 2111). Second, examiner notes that the specification discloses that some nodes (agents) may register with specific requests which specify conditions that must be met in addition to the publication of data (page 16, paragraph [0057] and page 21, paragraph [0076]). Examiner requests further explanation/support of this claim. Third, Cohen teaches an event consist a list of attribute name/type pairs which specify the data format of an event, an attribute name is a string that uniquely identifies an attributes of a given even type, which meets data type ID, and an event filter is a collection of one or more filter expressions which are logically ANDed together, and the attribute name in the event filter refer to an attribute in the event type schema (col. 6, line 44 – col. 7, line 10, lines 29-56). Clearly, Cohen teaches the claim limitations.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday - Friday, 7:30AM - 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2195

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit 2195

DC  
April 2, 2008